

REMARKS

This is in response to the Final Rejection of the pending claims in the Office Action mailed January 18, 2007.

Claims 1 through 23 are currently pending in the application.

Claims 1 through 23 stand rejected.

Applicant proposes to amend claims 1 and 10, and respectfully request reconsideration of the application as proposed to be amended herein.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent 6,104,311 to Lastinger in view of U.S. Patent 5,777,581 to Lilly et al. and to U.S. Patent 5,408,690 to Ishikawa et al.

Claims 1 through 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lastinger et al. (U.S. Patent No. 6,104,311) in view of Lilly et al. (U.S. Patent No. 5,777,581) and to Ishikawa et al (U.S. Patent No. 5,408,690). Applicant respectfully traverses this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

After considering the cited prior art, the rejection, and the Examiner's comments, Applicant has amended the claimed inventions to clearly distinguish over the cited prior art.

Applicant asserts that any combination of the Lastinger reference in view of the Lilly et al. reference and the Ishikawa et al. reference does not establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the claimed inventions of independent claims 1, 10, 16, and 22 because any combination of the Lastinger reference in view of the Lilly et al.

reference and the Ishikawa et al. reference does not teach or suggest all the claim limitations of the claimed inventions of independent claims 1, 10, 16, and 22.

Turning to the cited prior art, the Lastinger reference teaches or suggests an identification tag including a substrate, an input mechanism, an output mechanism, and a response circuit. The Lastinger reference does not teach or suggest the use of a fuse as the elements 30 are described as an opens or selectable positions.

The Lilley et al. reference teaches or suggests a patch antenna using one or more tuning strips and RF switches to connect or block RF therebetween. The Lilley et al. reference does not teach or suggest the use of fuses.

The Ishikawa et al. reference teaches or suggests an antenna supervising apparatus for supplying a multiplexed signal. The Ishikawa et al. reference does not teach or suggest the use of fuses.

Applicant asserts that any combination of the Lastinger reference in view of the Lilly et al. reference and the Ishikawa et al. reference does not teach or suggest the claim limitations of the claimed inventions of presently amended independent claims 1, 10, 16, and 22 calling for “at least one antenna coupled to the internal circuitry for evaluating an antenna response to at least one test signal for the at least one antenna to do one of accepting the radio frequency communication device, rejecting the radio frequency communication device, coupling an antenna segment to the antenna, and detaching an antenna segment from the antenna by one of a fuse which may be blown or an antifuse”, “. . . at least one of a transmitter, a receiver, a processor, an input device, an output device, data storage, and memory, the system further comprising at least one radio frequency identification tag associated therewith, the radio frequency identification tag comprising internal circuitry coupled to an antenna for evaluating an antenna response to at least one test signal for the at least one antenna to do one of accepting the radio frequency identification tag , rejecting the radio frequency identification tag , coupling an antenna segment to the antenna, and detaching an antenna segment from the antenna, the antenna including at least one antenna segment associated therewith through at least one of a fuse and an antifuse”, and “. . . evaluating an antenna response to at least one test signal; and in response to an evaluation result, doing one of: accepting the radio frequency communication device;

rejecting the radio frequency communication device; coupling an antenna segment to the antenna; and detaching an antenna segment from the antenna”. Applicant asserts that the any combination of the Lastinger reference in view of the Lilly et al. reference and the Ishikawa et al. reference contains no such description of such claim limitations of the inventions set forth in presently amended independent claims 1, 10, 16, and 22. Therefore, presently amended independent claims 1, 10, 16, and 22 are allowable as well as the dependent claims therefrom.

Applicant requests entry of this amendment for the following reasons:

The amendment is timely filed.

The amendment places the application in condition for allowance.

The amendment could not have been previously made as a new rejection based on newly cited prior art was made in the Final Rejection of the pending claims without amendment of any claims.

The amendment does not require any further search or consideration.

ENTRY OF AMENDMENTS

The proposed amendments to claims 1 and 10 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application to clearly comply with the provisions of 35 U.S.C. § 132. Further, again, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1 through 23 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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Date: March 14, 2007
JRD/sfc:lmh
Document in ProLaw